IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

Crl.MC.No. 555 of 2007()

CRIME NO.478/06 OF OACHIRA POLICE STATION.

PETITIONER:

ANILKUMAR, AGED 42 YEARS,
S/O. THANKAPPAN, PUTHENMANNEL, PRAYAR,
KLAPANA VILLAGE, OACHIRA.

BY ADV. SRI.VINCENT JOSEPH

RESPONDENTS:
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1. STATE OF KERALA, REP. BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
OACHIRA POLICE STATION, KOLLAM DISTRICT.

3. UDAYAN,
PUTHENPANDAKASALA, PRAYAR THEKKUM,
ALUMPEEDIKA, OACHIRA, KOLLAM DISTRICT.

BY P.P. SRI.S.U. NAZAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 555 OF 2007

Dated this the 2nd day of April, 2007

ORDER

The petitioner is the de facto complainant in a crime registered initially, inter alia, under Secs.324 and 308 of the IPC. The 1st accused has already been granted bail by another bench of this Court. The alleged incident took place on 13/1/06. The crime was registered initially only, inter alia, under Secs.324 and 308 of the IPC. The petitioner had actually suffered a grievous hurt. That fact was reported to the learned Magistrate only long later on 13/12/06. The petitioner's grievance is that though subsequently the allegation under Secs.307 and 326 of the IPC have been incorporated, it was not done promptly and that from 13/1/06 to 13/12/06 the case was reckoned as one under Secs.324 and 308 of the IPC only.

2. The learned Public Prosecutor submits that the investigation is now proceeding under Secs.307 and 326 of the IPC. There is, undoubtedly, a delay on the part of the

Investigating Officer in making the report that Sec.326 of the IPC is also involved; but it was not wilful or deliberate. The officer was under the impression that there is a graver allegation under Sec.308 of the IPC already raised. The anticipatory bail was granted by another Bench of this Court cognizant of the fact that the allegations are raised under Sec.308 of the IPC.

3. I am certainly dissatisfied with the conduct of the investigation. The grievous hurt was suffered by the petitioner on 13/1/06 and for no acceptable reason that fact was reported to the court only on 13/12/06.

4. Though dissatisfied with the course adopted by the first Investigating Officer, I now take note of the fact that the investigation is being conducted by a Circle Inspector of Police and that necessary steps have, by now, been taken. It is submitted that in this case the accused persons are yet to be arrested. The present Investigating Officer must make necessary steps to ensure that the accused persons, who were not arrested, are apprehended expeditiously and necessary steps

taken. I do not find any need to transfer the investigation to any other person. But I direct that the Circle Inspector of Police shall make every effort to complete the investigation expeditiously. Further investigation shall be conducted by the C.I. of Police personally.

5. With the above observations, this Crl.M.C. is dismissed.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge

R. BASANT, J.

CRL.M.C.NO. 555 OF 2007

Dated this the 21st day of March, 2007

ORDER

The learned Public Prosecutor submits that the offences under Secs.326 and 307 of the IPC have already been included even prior to the filing of this Crl.M.C. and hence there is no merit in this Crl.M.C. now. The learned counsel for the petitioner submits that this fact does not appear to have been brought to the notice of this Court when the anticipatory bail application of the accused persons was considered by this Court in B.A.No.7336/06. The learned counsel for the petitioner still maintains that the relief of entrusting the investigation in better and safer hands may be granted by this Court.

2. Put up along with the statement which is said to be filed by the Investigating Officer. Also put up with the file in B.A.No.7336/06. Call on 2/4/2007.

(R. BASANT, JUDGE)

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